IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.19797-M of 2007
Date of Decision:- 07.05.2007

Nihal Kaur & ors. ....Petitioner(s)

through
Mr.P.L.Singla, Advocate

vs.

State of Punjab & anr. ....Respondent(s)

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.120 dated 2.5.2005 under Sections 420, 465, 467, 468, 471 IPC registered at Police Station City, Moga.

At the outset, it is stated by learned counsel for the petitioner that petitioners No.3 and 4 were found innocent during the course of investigation, as such, this petition qua them has been rendered infructuous. Ordered accordingly.

As regard to the petitioner Nos.1 and 2, various contentions have been raised by learned counsel for the petitioners in order to make out a case that they have been falsely implicated. However, most of the contentions are based upon disputed questions of fact, which can only be appreciated by the learned trial Court on the basis of evidence to be led by the parties, if any.

Having regard to the scope of interference in exercise of

powers under Section 482 Cr.P.C., this petition is disposed of with liberty to petitioners No.1 and 2 to raise all the contentions before the learned trial Court at an appropriate stage and the same shall be gone into in accordance with law. However, in view of the fact that petitioner no.1 (Nihal Kaur wd/o Kartar Singh) is stated to be 92 years old woman, liberty is granted to her to move an application before the learned Judicial Magistrate to grant her exemption from personal appearance and if any such application is moved by her, the learned Judicial Magistrate is directed to grant her exemption from personal appearance, however, subject to the following conditions:- (i) she shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute her identity as an accused; and (iv) shall have no objection if the prosecution evidence is recorded in her absence but in the presence of her counsel; (v) any other condition which the learned trial Court may impose.

May 07, 2007 **(SURYA KANT)**
poonam **JUDGE**